

280.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42539-2019

Date of decision: 26.02.2020

NAVDEEPAK SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Dhawan, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No.1.

Mr. Vishal Dogra, Advocate, for
Mr. Abhimanyu Vinayak, Advocate, for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.125 dated 21.05.2018 registered under Sections 406, 498-A, 323, 34 of IPC at Police Station Sadar Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.09.2019 (Annexure P-2).

This Court vide order dated 03.10.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 29.10.2019 to the effect that the compromise has been effected between the parties voluntarily.

Respondent No.2-complainant, namely, Rajwinder Kaur has made her statement with regard to compromise before learned Magistrate on 24.10.2019. The same is reproduced as under:-

“I have come present in pursuance of order dated 03.10.2019 in CRM-M-42539 of 2019 to record my statements as directed by Hon'ble High Court. I have got registered FIR no.125 dated 21.05.2018, Under Section 406, 498-A, 323, 34 of Indian Penal Code, PS Sadar Nakodar against Navdeepak Singh (my husband) age 29 years S/o Harjinder Singh and Malkit Kaur (my mother in Law) age 56 years wife of Harjinder Singh both resident of Village Kangna, Tehsil Nakodar, Distt. Jalandhar.

I have now entered into compromise with them with the intervention of respectable of our area and our families with my free will without any kind of pressure. I am now residing with my husband and mother in law in my matrimonial home. I have no objection if the FIR is quashed. ”

Learned counsel for the petitioners states that petitioner No.1 and respondent No.2 are staying together as husband and wife.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Hon'ble Supreme Court in ***Gold Quest International Private***

Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)

206 has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.125 dated 21.05.2018 registered under Sections 406, 498-A, 323, 34 of IPC at Police Station Sadar Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.09.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

26.02.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No